



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,100	10/15/2003	Barclay Fred Burns	5594-002	7245

7590 12/02/2004

Julie L. Reed  
MARGER JOHNSON & McCOLLOM, P.C.  
1030 S.W. Morrison Street  
Portland, OR 97205

EXAMINER

SAADAT, CAMERON

ART UNIT	PAPER NUMBER
----------	--------------

3713

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,100

Applicant(s)

BURNS ET AL.

Examiner

Cameron Saadat

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 10/15/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The antecedent basis for "the window" has not been clearly set forth. Furthermore, it appears that "the user may an incorrect input" should be recited as -- the user made an incorrect --.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Cook et al. (USPN 5,727,950; hereinafter Cook).

Regarding claim 1, Cook discloses a method of simulating application software, comprising: presenting a generic application user interface for a particular type of application to a user 101 across a network; receiving user inputs during an interaction with the user interface (See Fig. 4); and evaluating performance of the user with regard to the type of application based upon the user inputs (Col. 49, lines 10-17).

Regarding claim 2, Cook discloses a method wherein the user is provided with of his or her performance (See Fig. 4, ref. 508).

Regarding claim 3, Cook discloses a method further comprising: informing the user of a wrong input; and presenting the user with an opportunity to try again (See Fig. 5 refs. 405-407).

Regarding claim 4, Cook discloses a method, wherein providing feedback further comprising informing the user of a wrong input; providing a hint to the user; and presenting the user with an opportunity to try again (See Fig. 4).

Regarding claim 5, Cook discloses a method, wherein providing feedback further comprising: informing the user of a wrong input; and demonstrating to the user the correct input (See Fig. 4).

Regarding claim 6, Cook discloses a method, comprising collecting all of the user inputs and evaluations of the user inputs and generating an evaluation report of the performance of the user (Col. 30, lines 23-32).

Regarding claim 7, Cook discloses a method, further comprising presenting a generic user interface for an application selected from the group comprising: a spreadsheet, a word processor, and a presentation application (Col. 9, lines 60-62).

Regarding claim 8, Cook discloses a method of providing a user interface, comprising: providing an introduction to a problem for a user (Col. 11, lines 25-27); identifying tools to solve the problem (Col. 10, line 66 – Col. 11, line 2); instructing the user on concepts and tools to be used in a solution; interacting with the user; displaying the solution; and providing the user with a summary of the problem and solution (Col. 13, lines 8-28).

Regarding claim 9, Cook discloses a method, wherein interacting with the user further comprises receiving a user input and storing the user input for further evaluation (Col. 48, lines 20-32).

Art Unit: 3713

Regarding claim 10, Cook discloses a method, wherein interacting with the user further comprises receiving and evaluating a user input (Col. 48, lines 20-32).

Regarding claim 11, Cook discloses a method, wherein interacting with the user further comprises providing feedback (See Fig. 4, ref. 508).

Regarding claim 12, Cook discloses a method, wherein providing feedback further comprises indicating that the user made a correct input (Col. 27, lines 34-36).

Regarding claim 13, Cook discloses a method, wherein providing feedback further comprises indicating that the user made an incorrect input and displaying a in which the user may make another input (Fig. 5. refs. 405-407).

Regarding claim 14, Cook discloses a method of providing an integrated technology learning system, comprising the steps of: establishing technology objectives for an instructional unit; identifying core curriculum components related to the technology objectives; providing a theme and characters for the unit; determining a framework for problem solving; determining common elements of a user interface; and adding simulation functionality Col. 5, line 12 – Col. 11, line 36).

Regarding claim 15, Cook discloses a method, wherein adding simulation functionality further comprises: recording user inputs in response to prompts; recording a environment from which the user input is recorded; and storing the user inputs and the environment (Col. 48, lines 20-61).

Regarding claim 16, Cook discloses an instructional management system, comprising: at least one instructional unit having at least one task for which a student is required to provide an input; a user interface simulating a software application having a region to allow the student to provide the input (See Figs. 4-5); a memory in which to record the student input (Col. 48, lines 20-61); a report generator to

Art Unit: 3713

allow an instructor to access results of the inputs and to provide an evaluation of student performance with regard to the software application (Col. 18, lines 21-35).

Regarding claim 17, Cook discloses an article of machine-readable media containing instructions that, when executed, cause the machine to: present a generic application user interface for a particular type of application to a user across a network; receive user inputs during an interaction with the user interface (See Fig. 4); and evaluate performance of the user with regard to the type of application based upon the user inputs (Col. 49, lines 10-17).

Regarding claim 18, Cook discloses an article containing instructions that, when executed, cause the machine to provide feedback to the user on the performance of the user (See Fig. 4, ref. 508).

Regarding claim 19, Cook discloses an article of machine-readable media containing instructions that, when executed, cause the machine to: provide an introduction to a problem for a user (See Figs. 4-5); identify tools to be used in a solution (Col. 10, line 66 – Col. 11, line 2); interact with the user; display the solution; and provide the user with a summary of the problem and solution (Col. 13, lines 8-28).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Thomas (USPN 6,086,382) – discloses an educational system wherein users are provided with performance feedback, including hints.
- Vaughn, Jr. (USPN 6,419,496) – discloses a learning method wherein users are provided with hints to solve problems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cameron Saadat whose telephone number is 571-272-4443. The examiner can normally be reached on M-F 9:00 - 6:00.


Art Unit: 3713

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CS

cf.

  
XUAN M. THAI  
PRIMARY EXAMINER  
TLC3700